

Magistrate Judge Paula L. McCandlis

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

NO. MJ24-472

COMPLAINT FOR VIOLATION

18 U.S.C. §§ 922(g)(1)

MICHAEL D. SAFFORD

Defendant,

BEFORE, PAULA L. McCANDLIS United States Magistrate Judge, United States Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of a Firearm)

On July 7, 2024, in King County, within the Western District of Washington,
Michael D-Andre SAFFORD, knowing he had been convicted of the following crime

COMPLAINT
United States v. Safford - 1

UNITED STATES ATTORNEY
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punishable by imprisonment for a term exceeding one year:

Conspiracy to Distribute Controlled Substances, 2:18CR00131RAJ-019, in the United States District Court, Western District of Washington, on or about December 13, 2019,

did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that is: a Springfield Armory XDM .40 caliber handgun, that had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

And the complainant states that this Complaint is based on the following information:

I, Kyle Uptain, being first duly sworn on oath, depose and say:

AFFIANT'S BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since June 2023. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code.

2. I am currently assigned to the FBI Seattle Field Office. My responsibilities include the investigation of federal criminal offenses, to include unlawful possession of firearms. Prior to my employment as a Special Agent, I was a Staff Operations Specialist with the FBI since July 2015, and assisted in the investigation of a variety of federal criminal offenses, to include unlawful possession of firearms. I have received specialized training by the FBI, including completing the Basic Field Training Course as a Special Agent at the FBI Academy in Quantico, Virginia. Throughout my entire FBI career, I have participated in many aspects of investigations, including but not limited to interviewing suspects and witnesses, conducting surveillance, performing undercover

operations, managing confidential sources, identifying victims, and executing search and arrest warrants.

3. When this affidavit refers to the criminal history of a subject, either I or other agents involved in the investigation have reviewed the available criminal history from state or federal agencies. When I refer to beliefs or suspicions held by investigators, these beliefs or suspicions are based upon training and experience.

4. When providing summaries of calls, text messages, events, and surveillance observations/operations, all the times listed are approximate.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. I have also read reports written by law enforcement officers and watched video recordings regarding the incident in this case. This affidavit is intended to merely show there is sufficient probable cause for the above charge and does not set forth all of my knowledge about this matter.

SUMMARY OF PROBABLE CAUSE

6. On July 7, 2024, an anonymous complainant walked into the East Precinct of the Seattle Police Department and alerted officers to an unresponsive male located approximately one block away. The anonymous complainant informed the male was seated in a vehicle with the door open and had a gun hanging out of his pocket.

7. Seattle Police, including Officer Jessica Bailey, Officer Haden Barton, Officer Jayde Brewer, and Officer Dirk Patin, responded to the location. Upon arrival, Officer Brewer observed a male, later identified as SAFFORD, in the driver's side seat of the vehicle with the door open and one of SAFFORD's legs positioned outside the vehicle. Officer Brewer also observed SAFFORD was asleep, had a handgun hanging out of his left pants pocket, and was seated next to an open container of what appeared to be

1 an alcoholic beverage.

2 8. Officer Barton subsequently retrieved a Springfield Armory XDM .40
 3 caliber pistol, serial number MB102508, from SAFFORD's top left pants pocket. The
 4 firearm was found loaded with a magazine that contained multiple unspent .40 caliber
 5 bullets and an additional .40 caliber bullet in the chamber.

6 9. Officers then woke SAFFORD, identified themselves as police, and asked
 7 why SAFFORD had a gun sticking out of his pocket. SAFFORD immediately felt around
 8 his waistband as if to check for a weapon. Seattle Police advised SAFFORD they already
 9 secured the weapon and were investigating SAFFORD for driving under the influence.

10 10. SAFFORD said he did not have any identification and initially provided
 11 officers with the false name of Joel D. Jackson. While Seattle Police attempted to confirm
 12 SAFFORD's identity, SAFFORD initiated the following conversation with officers:

13 **SAFFORD:** "You opened the door and there was a gun where?"

14 **Officer Patin:** "I didn't open the door. Your door was open already. It was
 15 hanging out your pocket."

16 **SAFFORD:** "Take a picture?"

17 **Officer Patin:** "Took a video. Even better. Hey, look... even better... video. Even
 18 better... video. Just walked up quietly. Just said 'Hey, how're you doing? What's
 19 going on?' Like... You're not responsive. Han... handle hanging out your
 20 pocket."

21 [Approximate 15-second pause]

22 **SAFFORD:** "Can't argue with that."

23 11. SAFFORD eventually told officers to get his girlfriend and tell her he was
 24 going to jail. SAFFORD also gave officers his real name, indicated he had a warrant with
 25 the US Marshals Service, and told the officers to "cuff [him]." Seattle Police

1 subsequently placed SAFFORD in handcuffs, and read SAFFORD his Miranda rights,
 2 which SAFFORD acknowledged he understood. Seattle Police simultaneously conducted
 3 a Washington State Crime Information Center (WACIC) check of SAFFORD, using his
 4 real name that he gave officers, and date of birth, which showed that SAFFORD had an
 5 active federal warrant with the US Marshals Service. SAFFORD was also listed as a
 6 convicted felon.
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8 12. While Seattle Police verified the warrant, Officer Brewer asked SAFFORD
 9 about the ownership of the gun, and SAFFORD responded that he had “nothing to say.”
 10 Later at the East Precinct of the Seattle Police Department, Seattle Police asked
 11 SAFFORD where the gun came from and SAFFORD responded, “I don’t even fucking
 12 know.”

13 13. Special Agent Brian Arnold of the Bureau of Alcohol, Tobacco, Firearms
 14 and Explosives (ATF), a court-recognized “interstate nexus” expert who has received
 15 specialized training in identifying the manufacturers and/or importers of firearms and
 16 ammunition, has reviewed photographs of the above firearm, which included the
 17 firearm’s make, model, and serial number. Based on his review, Special Agent Arnold
 18 opined the firearm meets the definition of “firearm” under federal law and the firearm
 19 was manufactured outside the State of Washington. Therefore, the above firearm
 20 necessarily traveled in interstate or foreign commerce before being recovered in King
 21 County, Washington.

22 14. Finally, I have reviewed court records showing that SAFFORD has been
 23 convicted for the following crime punishable by imprisonment for a term exceeding one
 24 year which would federally prohibit him from possessing firearms:

25 *Conspiracy to Distribute Controlled Substances*, 2:18CR00131RAJ-019, in
 26 the United States District Court, Western District of Washington, on or
 27 about December 13, 2019.

28 A review of the Judgement for the above case indicates that SAFFORD pleaded guilty to

1 the charge and was sentenced to a term of imprisonment of 60 months. At the time of his
2 arrest, SAFFORD was also on supervision with US Probation and Pretrial Services,
3 Western District of Washington.

4 **CONCLUSION**

5 15. Based on the above facts, I respectfully submit that there is probable cause
6 to believe that SAFFORD has committed the offense of: Felon in Possession of a
7 Firearm, in violation of Title 18, United States Code, Sections 922(g)(1).

8 DATED this 29 day of July, 2024.

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11 

12 KYLE UPTAIN
13 Special Agent
14 Federal Bureau of Investigation

15 The above-named agent provided a sworn statement attesting to the truth of the
16 foregoing Complaint and Affidavit. Based on the Complaint and Affidavit, the Court
17 hereby finds there is probable cause to believe the Defendant committed the offense set
18 forth in the Complaint.

19 DATED this 8th day of August, 2024.

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23 HON. PAULA L. McCANDLIS
24 United States Magistrate Judge
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